

IN THE MATTER OF : NEW JERSEY DEPARTMENT OF EDUCATION
THE CERTIFICATES OF : STATE BOARD OF EXAMINERS
DEMETRICK WILLIAMS : ORDER OF REVOCATION
_____ : DOCKET NO: 0809-150

At its meeting of January 13, 2009, the State Board of Examiners reviewed information received from the Office of Criminal History Review indicating that respondent Demetrick Williams was convicted of Endangering the Welfare of Children in September 2008. As a result of the conviction, Williams was disqualified from public service pursuant to *N.J.S.A. 18A:6-7.1 et seq.* Williams currently holds a Teacher of the Handicapped certificate, issued in June 2006, a Supervisor certificate, issued in February 2008 and a Principal Certificate of Eligibility, issued in March 2008.

Williams did not challenge the accuracy of his criminal history record before the Commissioner of Education. Upon review of the above information, the State Board of Examiners voted to issue Williams an Order to Show Cause at its meeting of February 23, 2009.

The Board sent Williams the Order to Show Cause by regular and certified mail on February 25, 2009. The Order provided that Williams must file an Answer within 30 days. Williams filed an Answer on March 25, 2009.

In his Answer, Williams stated that he had developed many relationships with his students and student athletes over the years. (Answer, p. 1.) He also claimed that his reputation was tarnished when he was “accused and convicted of a crime for actions that I still feel has been wholly misinterpreted, and mischaracterized.” (Answer, p. 1.) Williams asserted that he befriended a student who was having family problems and he made a mistake in allowing his wife to train the student in soccer on the weekends. (Answer, p. 1.) He added that the student would open up to him about any problems she was having. (Answer, p. 1.) Williams admitted that he made a mistake in allowing the student to use his cell phone in school one day to call her mother because that led to him developing a texting relationship with the student in which they talked about her family issues. (Answer, p. 2). It was in that context, Williams claimed, that he told the student he loved and cared about her, “just like I love and care about all of my

students.” (Answer, p. 2.) Williams contended that although he was innocent of allowing a minor to take nude photographs of herself on his phone and that no photos were found, he pled guilty to Endangering the Welfare of Children to avoid going to trial and facing a possible long-term jail sentence. (Answer, p.2.) Finally, Williams asked that he be allowed to retain his administrative certificate since that type of work involves interaction mainly with adults and he would be able to help students indirectly while repairing his “already damaged reputation.” (Answer, p. 3.)

Thereafter, pursuant to *N.J.A.C. 6A:9-17.7(e)*, on April 16, 2009, the Board sent Williams a hearing notice by regular and certified mail. Neither copy was returned. The notice explained that it appeared no material facts were in dispute and Williams was offered an opportunity to submit written arguments on the issue of whether the conduct addressed in the Order to Show Cause constituted conduct unbecoming a certificate holder. It also explained that upon review of the charges against him and the legal arguments tendered in his defense, the State Board of Examiners would determine if the conduct underlying his offense and resulting disqualification warranted action against his certificates. Thereupon, the Board of Examiners would also determine the appropriate sanction, if any. Williams was also provided the opportunity to appear before the Board to testify on the sanction issue. Williams did not file a response.

The threshold issue before the State Board of Examiners in this matter, therefore, is whether Williams’ conviction and subsequent disqualification constitutes conduct unbecoming a certificate holder. Since Williams failed to respond to the hearing notice, the State Board of Examiners considered his Answer as the only responsive pleading in the hearing process.

At its meeting of July 28, 2009, the State Board of Examiners reviewed the charges and papers Williams filed in response to the Order to Show Cause. After review of the response, the Board of Examiners determined that no material facts related to Williams’ offense were in dispute since he never denied that he had committed the offense nor did he deny that he had been disqualified because of it. Thus, the Board of Examiners determined that summary decision was appropriate in this matter. *N.J.A.C.*

6A:9-17.7(h). It is therefore ORDERED that the charges in the Order to Show Cause are deemed admitted for the purpose of this proceeding.

The State Board of Examiners must now determine whether the conduct underlying Williams' conviction and disqualification, as set forth in the Order to Show Cause, represents just cause to act against his certificates pursuant to *N.J.A.C.* 6A:9-17.5. The Board finds that it does.

In enacting the Criminal History Review statute, *N.J.S.A.* 18A:6-7.1 *et seq.* in 1986, the Legislature sought to protect public school pupils from contact with individuals whom it deemed to be dangerous. Individuals convicted of a crime that involves endangering the welfare of a child fall squarely within this category. This strong legislative policy statement is in accord with the Commissioner's long-held belief that teachers must serve as role models for students. "Teachers... are professional employees to whom the people have entrusted the care and custody of ... school children. This heavy duty requires a degree of self-restraint and controlled behavior rarely requisite to other types of employment." *Tenure of Sammons*, 1972 *S.L.D.* 302, 321.

In this case, Williams has been convicted for a crime that involved endangering the welfare of a child. A teacher's behavior outside the classroom may be relevant in determining that person's qualifications and continued fitness to retain his certification. *In re Grossman*, 127 *N.J. Super.* 13, 30 (Sup. Ct. 1943), *aff'd*, 131 *N.J.L.* 326 (E & A 1944). Unfitness to hold a position in a school system may be shown by one incident, if sufficiently flagrant. *Redcay v. State Bd. Of Educ.*, 130 *N.J.L.* 369, 371 (Sup. Ct. 1943), *aff'd*, 131 *N.J.L.* 326 (E & A 1944). Accordingly, the State Board of Examiners finds that Williams' disqualification from service in the public schools of this State because of his conviction for Endangering the Welfare of Children provides just cause to take action against his certificates.

That strong policy statement on the part of the Legislature, set forth in *N.J.S.A.* 18A:6-7.1(b), also offers guidance to the State Board of Examiners as to the appropriate sanction in this matter. An individual whose offense is so great that he or she is barred from service to the public schools should not be permitted to retain the certificate that authorizes such service. Nor should a person who has been disqualified from teaching in a public school be permitted to continue to hold himself out as a teacher.

Thus, because the Legislature considers Williams' offense so significant, the State Board of Examiners believes that the only appropriate sanction in this case is the revocation of his teaching certificates.

Accordingly, on July 28, 2009 the Board of Examiners voted to revoke Demetrick Williams' Teacher of the Handicapped and Supervisor certificates and his Principal Certificate of Eligibility. On this 17th day of September 2009 the Board of Examiners voted to adopt its formal written decision and it is therefore ORDERED that the revocation of Demetrick Williams' certificates be effective immediately. It is further ORDERED that Williams return his certificates to the Secretary of the State Board of Examiners, Office of Licensure, P.O. Box 500, Trenton, NJ 08625-0500 within 30 days of the mailing date of this decision.

Robert R. Higgins, Secretary
State Board of Examiners

Date of Mailing:

Appeals may be made to the Commissioner of Education pursuant to the provisions of *N.J.S.A.* 18A:6-28.

RRH:MZ: